

105TH CONGRESS  
2D SESSION

# H. R. 4006

To clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide or euthanasia of any individual.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 5, 1998

Mr. HYDE (for himself and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide or euthanasia of any individual.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Lethal Drug Abuse  
5       Prevention Act of 1998”.

1 **SEC. 2. LETHAL DRUG ABUSE PREVENTION.**

2 (a) DENIAL OF REGISTRATION.—Section 303 of the  
3 Controlled Substances Act (21 U.S.C. 823) is amended  
4 by adding at the end the following:

5 “(i) DENIAL OF REGISTRATION.—The Attorney Gen-  
6 eral shall determine that registration of an applicant  
7 under this section is inconsistent with the public interest  
8 if—

9 “(1) during the 5-year period immediately pre-  
10 ceding the date on which the application is submit-  
11 ted under this section, the registration of the appli-  
12 cant under this section was revoked under section  
13 304(a)(4); or

14 “(2) the Attorney General determines, based on  
15 clear and convincing evidence, that the applicant is  
16 applying for the registration with the intention of  
17 using the registration to take any action that would  
18 constitute a violation of section 304(a)(4).”.

19 (b) SUSPENSION OR REVOCATION OF REGISTRA-  
20 TION.—

21 (1) IN GENERAL.—Section 304(a) of the Con-  
22 trolled Substances Act (21 U.S.C. 824(a)) is amend-  
23 ed—

24 (A) by redesignating paragraphs (4) and  
25 (5) as paragraphs (5) and (6), respectively; and

1 (B) by inserting after paragraph (3) the  
2 following:

3 “(4) has intentionally dispensed or distributed a  
4 controlled substance with a purpose of causing, or  
5 assisting in causing, the suicide or euthanasia of any  
6 individual, except that this paragraph does not apply  
7 to the dispensing or distribution of a controlled sub-  
8 stance for the purpose of alleviating pain or discom-  
9 fort (even if the use of the controlled substance may  
10 increase the risk of death), so long as the controlled  
11 substance is not also dispensed or distributed for the  
12 purpose of causing, or assisting in causing, the  
13 death of an individual for any reason;”.

14 (2) CONFORMING AMENDMENT.—Section  
15 304(a)(5) of the Controlled Substances Act (21  
16 U.S.C. 824(a)(5)) (as redesignated by paragraph (1)  
17 of this subsection) is amended by inserting “other”  
18 after “such”.

19 (c) PAIN RELIEF.—Section 304(c) of the Controlled  
20 Substances Act (21 U.S.C. 824(c)) is amended—

21 (1) by striking “(c) Before” and inserting the  
22 following:

23 “(c) PROCEDURES.—

24 “(1) ORDER TO SHOW CAUSE.—After any hear-  
25 ing under paragraph (2), and before”; and

1 (2) by adding at the end the following:

2 “(2) MEDICAL REVIEW BOARD ON PAIN RE-  
3 LIEF.—

4 “(A) IN GENERAL.—The Attorney General  
5 shall by regulation establish a board to be  
6 known as the Medical Review Board on Pain  
7 Relief (referred to in this subsection as the  
8 ‘Board’).

9 “(B) MEMBERSHIP.—The Attorney Gen-  
10 eral shall appoint the members of the Board—

11 “(i) from among individuals who, by  
12 reason of specialized education or substan-  
13 tial relevant experience in pain manage-  
14 ment, are clinical experts with knowledge  
15 regarding standards, practices, and guide-  
16 lines concerning pain relief; and

17 “(ii) after consultation with the Amer-  
18 ican Medical Association, the American  
19 Academy of Hospice and Palliative Medi-  
20 cine, the National Hospice Organization,  
21 the American Geriatrics Society, and such  
22 other entities with relevant expertise con-  
23 cerning pain relief, as the Attorney Gen-  
24 eral determines to be appropriate.

25 “(C) DUTIES OF BOARD.—

1           “(i) HEARING.—If an applicant or  
2           registrant claims that any action (or, in  
3           the case of a proposed denial under section  
4           303(i)(2), any potential action) that is a  
5           basis of a proposed denial under section  
6           303(i), or a proposed revocation or suspen-  
7           sion under subsection (a)(4) of this sec-  
8           tion, is an appropriate means to relieve  
9           pain that does not constitute a violation of  
10          subsection (a)(4) of this section, the appli-  
11          cant or registrant may seek a hearing be-  
12          fore the Board on that issue.

13          “(ii) FINDINGS.—Based on a hearing  
14          under clause (i), the Board shall make  
15          findings regarding whether the action at  
16          issue is an appropriate means to relieve  
17          pain that does not constitute a violation of  
18          subsection (a)(4). The findings of the  
19          Board under this clause shall be admissible  
20          in any hearing pursuant to an order to  
21          show cause under paragraph (1).”.

22 **SEC. 3. CONSTRUCTION.**

23          (a) IN GENERAL.—Nothing in this Act or the amend-  
24          ments made by this Act shall be construed to imply that  
25          the dispensing or distribution of a controlled substance be-

1 fore the date of enactment of this Act for the purpose of  
2 causing, or assisting in causing, the suicide or euthanasia  
3 of any individual is not a violation of the Controlled Sub-  
4 stances Act (21 U.S.C. 801 et seq.).

5 (b) INCORPORATED DEFINITIONS.—In this section,  
6 the terms “controlled substance”, “dispense”, and “dis-  
7 tribute” have the meanings given those terms in section  
8 102 of the Controlled Substances Act (21 U.S.C. 802).

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